IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 28950 of 2007(U)

PETITIONER:

MUHAMMEDKUTTY HAJI, AGED 72 YEARS,
S/O. BEERAN KUTTY, VALIYAPEEDIYAKKAL HOUSE,
PONMUDAM DESOM, P.O. PONMUNDAM, TIRUR TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT:

THE DISTRICT COLLECTOR, COLLECTORATE,
MALAPPURAM DISTRICT, MALAPPURAM.

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

==========
W.P.(C) NO. 28950 OF 2007 U
==========

Dated this the 1st day of November, 2007

J U D G M E N T

The writ petition has been filed complaining of inaction of Ext.P1 complaint, which was made to the respondent herein. The allegation in the complaint is against a Nursery School, which is functioning in the adjacent property of the petitioner and that they are removing soil, causing threat to the school itself. On this very issue the petitioner has filed a suit as OS 199/03, pending before the Munsiff's Court, Tirur. Petitioner also admits about the pendency of the said suit with a relief seeking prohibitory injunction against the school.

In view of the pendency of the suit before the competent Civil Court, petitioner cannot have parallel proceedings. Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp